IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE DR JUSTICE G. YETHIRAJULU

WRIT PETITION NO : 11177 of 2005

Between:

K.Padmanabham, s/o late Kannaiah,
r/o Velamathota (V), Pendurthi (M), Visakhapatnam District.

..... PETITIONER

AND

1 Joint Registrar of Cooperative Societies/District cooperative Officer, Visakhapatnam,
Visakhapatnam District.
2 Deputy Registrar/Audit Officer, D.C.C.B.Ltd., Visakhapatnam and Enquiry Officer, NTR Sahakara BhavAN, Marripalem, Visakhapatnam District.
3 Primary Agricultural Credit Cooperative Society, rep., by its Secretary, Pendurthi, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring action of the respondents in not furnishing copies of documents, list of witnesses and the statements in spite of request, Dt.18-4-2005 and 19-4-2005 in the enquiry initiated before the 2nd respondent pursuant to the Proc.Rc.1560/2004 C (Coop) dt.23-02-2005 issued by the 1st respondent and reserving the matter without fixing any date for enquiry is illegal, irregular, unreasonable, arbitrary and violative of Article 14 of Constitution of India and violative of the provisions of AP Cooperative Societies Act and rules framed thereunder and consequently direct the 2nd respondent for furnishing documents as

requested by the petitioner by giving reasonable opportunity to defend the enquiry and pass such other orders or order as this Hon'ble Court may fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR COOPERATION

The Court, at the stage of admission, made the following :

ORAL ORDER:

The petitioner is contending that in the enquiry initiated against him, the enquiry officer did not furnish the copies of the documents relied on by the disciplinary authority despite his application for furnishing those documents.

The second respondent is, therefore, directed to furnish the copies of all the documents on which reliance is placed by the disciplinary authority in the enquiry and provide the petitioner an opportunity to participate in the enquiry after furnishing the documents.

With the above directions, the writ petition is disposed of. No costs.

10.5.2005

Note: Wire at party's cost.

CVM/PGS

To,

1 Joint Registrar of Cooperative Societies/District cooperative Officer, Visakhapatnam,
Visakhapatnam District.
2 Deputy Registrar/Audit Officer, D.C.C.B.Ltd., Visakhapatnam and Enquiry Officer, NTR Sahakara BhavAN, Marripalem, Visakhapatnam District.
3 Primary Agricultural Credit Cooperative Society, rep., by its Secretary, Pendurthi, Visakhapatnam.

4. 2 CCs to G.P. for Cooperation, High Court buildings, Hyderabad (OUT).

5. 2 CD copies.